

# PATENT COOPERATION TREATY

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From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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**PCT** **BANNER & WITCOFF, LTD.**

## WRITTEN OPINION

(PCT Rule 66)

Date of Mailing  
(day/month/year)

**05 DEC 2001**

Applicant's or agent's file reference

04775.00002

**REPLY DUE**

within **TWO** months  
from the above date of mailing

International application No.

PCT/US00/42703

International filing date (day/month/year)

08 DECEMBER 2000

Priority date (day/month/year)

10 DECEMBER 1999

International Patent Classification (IPC) or both national classification and IPC  
Please See Supplemental Sheet.

Applicant

LENNON, JERRY W.

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

**When?** See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).~~

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

**If no reply is filed**, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 10 APRIL 2002

Name and mailing address of the IPEA/US

Commissioner of Patents and Trademarks  
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Washington, D.C. 20231

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Authorized officer

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**MAR 14 2002**

**Technology Center 2100**

WRITTEN OPINION

International application No.

PCT/US00/42703

**I. Basis of the opinion**

1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
 pages 1-14 , as originally filed  
 pages NONE , filed with the demand  
 pages NONE , filed with the letter of \_\_\_\_\_

- ☒ the claims:  
 pages 15-17 , as originally filed  
 pages NONE , as amended (together with any statement) under Article 19  
 pages NONE , filed with the demand  
 pages NONE , filed with the letter of \_\_\_\_\_

- ☒ the drawings:  
 pages 1-4 , as originally filed  
 pages NONE , filed with the demand  
 pages NONE , filed with the letter of \_\_\_\_\_

- ☒ the sequence listing part of the description:  
 pages NONE , as originally filed  
 pages NONE , filed with the demand  
 pages NONE , filed with the letter of \_\_\_\_\_

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

WRITTEN OPINION

International application No.

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**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. statement**

Novelty (N)	Claims <u>6-13 and 18-20</u>	YES
	Claims <u>1-5 and 14-17</u>	NO
Inventive Step (IS)	Claims <u>6-13 and 18-20</u>	YES
	Claims <u>1-5 and 14-17</u>	NO
Industrial Applicability (IA)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO

**2. citations and explanations**

Claims 1-5 and 14-17 lack novelty under PCT Article 33(2) as being anticipated by Maloomian (US Patent no. 4,467,349).

Regarding claims 1-5 and 14-17, Maloomian teaches the same apparatus for manipulating a customer image corresponding to a customer comprising a controller (See Maloomian fig. 1, controller 20), an image capture system, coupled to the controller, that captures the customer image and provides the customer image to the controller (See Maloomian fig. 1, camera 10, frame grabber 12, and controller 20), a database coupled to the controller for storing the customer image and at least one apparel style image corresponding to a potential purchase item (See Maloomian fig. 1, buffer 22 and memory 18, col. 3, lines 44-46 and col. 4, lines 3-6), and image display system, coupled to the controller, for displaying a composite image comprising the customer image and any one of the at least one apparel style image thereby allowing the customer to assess potential purchase without having to try it on (See Maloomian col. 4, lines 55-68 and col. 5, line 1); and wherein the controller provides the customer image and one of the at least one apparel style image to the image display system, and wherein the image display system generates the composite image from the customer image and the one of the at least one apparel style image (See Maloomian col. 4, lines 28-33).

Claims 6-13 and 18-20 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a trigger device, coupled to the controller, that detects the presence of the customer and, in response, causes the composite image to be displayed by the image display system wherein the trigger device provides customer identification information, input by the customer, to the controller, and wherein the correspondence of the customer identification information of the customer image causes the composite image to be displayed.

\_\_\_\_ NEW CITATIONS \_\_\_\_\_  
NONE

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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

**TIME LIMIT:**

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

**CLASSIFICATION:**

The International Patent Classification (IPC) and/or the National classification are as listed below:  
IPC(7): H04N 7/18, 9/74, 9/76; G06F 17/60, 17/30; G09B 9/00; A61B 3/00 and US Cl.: 348/121, 576, 577, 578, 599; 705/1, 25, 26, 27; 707/104; 351/246